

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7	RODNEY MARCHAND,)	NO. CV-06-0152-MWL
)	
8	Plaintiff,)	ORDER GRANTING DEFENDANTS'
)	MOTION TO STRIKE DEFENDANTS'
9	v.)	MOTION FOR SUMMARY JUDGMENT
)	
10	GRANT COUNTY, a municipal)	
	corporation, et al.,)	
11)	
	Defendants.)	
12	_____)	

On January 9, 2007, Defendant Moses Lake ("Moses Lake") filed a motion for summary judgment in the above captioned case. (Ct. Rec. 41). Plaintiff filed a response in opposition to Moses Lake's motion for summary judgment on January 22, 2007. (Ct. Rec. 46). Moses Lake filed the instant motion to withdraw its motion for summary judgment on January 29, 2007. (Ct. Rec. 48).

Moses Lakes' January 9, 2007 summary judgment motion sought dismissal of the case against it on the ground of the statute of limitations. (Ct. Rec. 42, p. 2). Following Plaintiff's response, Moses Lake indicated it was in agreement with Plaintiff's position that the statute of limitations was tolled by reason of Plaintiff's incarceration. (Ct. Rec. 48, p. 2). Moses Lake agreed that there was "at least a question of fact, on whether the statute of limitations was tolled" and therefore requested that the Court strike their motion for summary judgment. (Ct. Rec. 48, p. 2).

1 Based on the foregoing, the Court **HEREBY ORDERS** that
2 Defendant Moses Lake's motion to withdraw their summary judgment
3 motion (**Ct. Rec. 48**) is **GRANTED**.

4 It is **FURTHER ORDERED** that Defendant Moses Lake's motion for
5 summary judgment, filed January 9, 2007 (**Ct. Rec. 41**), be **STRICKEN**
6 from the record.

7 **It IS SO ORDERED.** The District Court Executive is hereby
8 directed to enter this Order, furnish copies to the parties, and
9 strike the January 9, 2007 motion for summary judgment (Ct. Rec.
10 41).

11 DATED this 29th day of January, 2007.

12
13 S/Michael W. Leavitt
14 MICHAEL W. LEAVITT
15 UNITED STATES MAGISTRATE JUDGE
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